

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	No. 1:11-CR-360-SS
	§	ECF
JUAN MANUEL PIERCE (11)	§	

UNITED STATES' FACTUAL BASIS AT REARRAIGNMENT

The United States of America files the government's factual summary for purposes of the Defendant's arraignment and guilty plea.

If this case were called to trial on the merits, the government is prepared to prove the following beyond a reasonable doubt:

Between February 1, 2011, and July 14, 2011, Juan Manuel Pierce conspired with Ruben Flores, Michael Morin, Patrick Cruz, Daniel Gonzales, Nickolas Estrada, Edward Zuniga, Michael Martinez, Domingo Mendieta, Arnulfo Perez-Torres, Ernest Lopez, David Romo, Luis Salazar, David Samarripa, David Torres, Jose Placencia, and others to possess with intent to distribute one kilogram or more of heroin. Lopez was a member of the drug trafficking organization headed by Texas Mexican Mafia (TMM) Captain Ruben Flores.

During the course of the conspiracy, FBI officers were involved in wire intercepts targeting various members of the Flores drug trafficking organization. Pierce was involved with TMM members in Seguin and San Marcos in the distribution of narcotics and the collection of the proceeds from the sale of narcotics. Specifically, on March 8, 2011, Morin and Flores discussed on a recorded telephone call whether Michael Martinez should be given any heroin and cocaine to sell on behalf of the TMM. The TMM only allowed members in good-standing to

receive narcotics on consignment to sell for the benefit of the organization. Morin reported that Pierce reported that everything in regard to Martinez had checked out, and they could start giving him narcotics to sell. Flores and Morin agreed, based on the approval of Pierce, to supply Martinez with two ounces of heroin to sell. They discussed the importance of Martinez selling the heroin, collecting the right amount of money, and making sure the TMM, through Pierce, got the money.

On July 2, 2011, at 5:25 p.m., Morin spoke to Pierce about collecting money from the sale of drugs in Seguin. Pierce said, "I have the rent for the *canton*." Morin said, "I'll send someone over there." Pierce replied, "Speedy (Daniel Gonzales) is over here, but he said he's not leaving until Tuesday." Morin said, "That's fine, send it with him." Pierce said, "OK *carnal*, it will be Tuesday. If somebody's asking for it, just say we're delayed a little bit." Morin stated, "Just send it with Speedy, we'll fix it over here. If they come earlier, I'll put in your part. How much is it?" Pierce said, "It's eight from us, and four from New Braunfels...all together it will be 1,200." Pierce had collected the money owed to the TMM leadership ("I have the rent for the *canton*") and offered to have Daniel Gonzales deliver the money to Morin. Pierce had collected the money from drug sales and was holding the money at his residence in preparation for delivery to Morin in Austin. When Morin said that "if they come earlier," he was referring to the TMM leaders from San Antonio.

On July 4, 2011, at 9:03 p.m., Morin spoke to Pierce in a recorded conversation. Pierce stated, "Just calling to let you know I gave the money to Speedy (Daniel Gonzales)." Morin said, "OK bro, did you put it in an envelope?" Pierce responded, "Yes sir, but we had to open it because he wanted to count it. I told him it was 12, and he opened it and counted it." Morin

said, "Yeah, we're doing it this way because it's going through too many hands." Pierce said, "That's fine, it was going through too many hands and it might come back on me." Morin replied, "Yeah, it's better if you count it in front of J.P....when it gets here, I'll count it again, and I'll call J.P. and say 'I've got 12,' that way we know it's right." Pierce said, "Yes sir, he's got it with him." Affiant believes that they were discussing the money from the sale of drugs and the manner in which the money count was handled.

During the execution of the search and arrest warrants in this case, officers seized approximately one kilogram of heroin from the home of Ruben Flores. This heroin was to be distributed among members of the conspiracy so that they could sell it to different customers. Agents also seized heroin and packaging material, including a digital scale, from Pierce's residence during the search.

Based on his participation in the drug trafficking organization, Juan Manuel Pierce admits that he is responsible for possessing with intent to distribute at least one kilogram of heroin as alleged in the indictment.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2011, a true and correct copy of this instrument was filed with the District Clerk via the WDTX CM/ECF system, and the Defendant's attorney of record, Brian Bernard, will have access to it.

/s Daniel D. Guess
DANIEL D. GUESS
Assistant United States Attorney